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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/803,082 | 03/08/2001 | Viswanath Nanjundiah | 42390P10217 | 8520 |
| 8791 | 7590 | 12/09/2005 | EXAMINER | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030 | | | KLIMACH, PAULA W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2135 | |

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,082

Applicant(s)

NANJUNDIAH, VISWANATH

Examiner

Paula W. Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

An Appeal Conference was formed and conferee agreed that Jaendel fails to disclose data packets having a sequence header code of a data packet sequence as recited in the claims and encryption of at least every Nth packet between such data packets as recited in the claims, the finality of the office action 05/19/05 is now withdrawn.

In view of the Pre-Appeal Brief filed on 08/22/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colligan et al (6,415,031 B1) in view of Nardone et al (5,805,700).

In reference to claims 31, 35, 39, and 43, the system disclosed by Colligan selects one or more data packets from a data packet sequence for encryption to provide a plurality of selected packets, thereby selecting every Nth data packet for encryption, and a plurality of unselected data packets in that the system encrypts data if the predetermined criterion is satisfied (column 10 lines 13-44 in combination with column 12 lines 50-61). The payload is then loaded into packets therefore these data packet sequences are selected to contain the encrypted data and the payload loaded with the unencrypted data are the data packet sequences that are unselected data packets.

The data packets are then sent from the remote server to the subscription station (column 7 lines 20-27) and therefore initiating the transmission of the encrypted data packets and unselected data packets as an output data packet sequence in a transmission medium.

Although Colligan discloses selecting every Nth packet in the data packet sequence, Colligan does not disclose the Nth packet being between consecutive data packets having a sequence header code.

Nardone discloses a policy based selective encryption of compressed video data (title). The system of Nardone discloses selecting every Nth packet in the data packet sequence (column 4 lines 13-41). The system further discloses the Nth packet being between consecutive data packets having a sequence header code (Fig. 4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the method of encryption of every Nth packet wherein packets are between consecutive data packets having a sequence header code as in Nardone in the system of Colligan. One of ordinary skill in the art would have been motivated to do this because it would reduce the amount of processor time required for decryption while providing the same amount of degradation as whole encryption (column 3 lines 49-64)

In reference to claims 32, 36, 44, and 40, wherein selecting the value of N based, at least in part, on available processing resources for encryption at data source and/or available processing resources for decryption at a data destination (column 1 lines 30-36). The system of Nardone suggests selecting the value of N based on available processing resources for encryption at data source and /or available processing resource because Nardone indicates the need to reduce the amount of processor time required for decryption.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the method of encryption of every Nth packet wherein packets are between consecutive data packets having a sequence header code as in Nardone in the system of Colligan. One of ordinary skill in the art would have been motivated to do this because it would reduce the amount of processor time required for decryption while providing the same amount of degradation as whole encryption (column 3 lines 49-64)

In reference to claims 33, 37, 41, and 45, wherein the data source is an SSL server and wherein the data destination is an SSL client.

Although Colligan discloses several examples of encryption processes (column 7 lines 4-8) and distribution centers and receivers (Fig. 1), Colligan does not disclose the data source being an SSL server and the destination being an SSL client.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the SSL protocol for security and therefore have an SSL server as the source of data and an SSL client as the destination in the system of Colligan. One of ordinary skill in the art would have been motivated to do this because SSL is a widely used standard protocol for security and using popular standards enables the device to be easily used in a variety of environments

In reference to claims 34, 38, 42, and 46, wherein the compressed video data comprises MPEG video data (column 9 lines 51-58), and the method further comprises selecting at least data packets of I-pictures having a sequence header code for encryption (column 10 lines 30-44). The system of Colligan discloses encryption of TS payload data having PES header information

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for the pictures (column 9 lines 49-59 in combination with column 10 lines 30-44 in combination with column 11 lines 31-56).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Tuesday, December 06, 2005



KIM VU
PATENT EXAMINER
EBC CENTER 210